



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO
ATTENTION OF:

October 28, 2015

Regulatory Branch

SUBJECT: Determination of No Permit Required, Department of Army Processing No. 2015-00526

Christopher Ferlito
210 Christopher Circle
Oswego, New York 13126

Dear Mr. Ferlito:

This pertains to your proposal to mine sand and gravel for commercial sale at the proposed Martville Mine, located off of Sanford Road, in the Town of Sterling, Cayuga County, New York.

Under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), a permit is required for any structure or work that takes place in, under, or over a navigable water, or wetlands adjacent to navigable waters of the United States (WOUS). Under Section 404 of the Clean Water Act (CWA), the U.S. Army Corps of Engineers regulates the discharge of dredged or fill material into WOUS, including freshwater wetlands. Certain types of excavation activities are defined as discharges of dredged material when they occur in WOUS. For instance, land clearing using mechanized equipment, ditching, channelization and other types of excavation when performed in such waters, including wetlands, would likely be regulated under Section 404 of the CWA.

I have reviewed the information which accompanied your application and have determined that a Department of the Army (DA) permit is not required. Should you modify your proposal to entail work in navigable waters or a discharge of dredged or fill material into a WOUS you must contact this office regarding DA permit requirements. Although a permit is not required, we request that proper measures be taken to prevent unintentional discharges from entering the waterway. You are encouraged to contact the appropriate state and local governmental officials to insure that the proposed work complies with their requirements.

Questions pertaining to this matter should be directed to me at 315-255-8090, by writing to the following address: U.S. Army Corps of Engineers, 7413 County House Road, Auburn, New York 13021, or by e-mail at: margaret.a.crawford@usace.army.mil

Sincerely,

Margaret Crawford
Biologist

Enclosures